

OFFICE OF THE SHERIFF
Contra Costa County

Internal Affairs
651 Pine Street, 11th Floor
Martinez, California 94553
(925) 335-1531



DAVID O. LIVINGSTON
Sheriff-Coroner

Michael V. Casten
Undersheriff

Date: August 4, 2015

To: DAVID O. LIVINGSTON, Sheriff
Via: Michael V. Casten, Undersheriff

From: Brian Vanderlind, Lieutenant, Internal Affairs
By: David Hall, Sergeant, Internal Affairs

Subject: Executive Summary – Administrative Inquiry - I.A. # 2015-063

CONFIDENTIAL

SUMMARY

The following is an account of this officer involved shooting based upon preliminary information as provided by the involved parties.

On August 3, 2015 Sergeant Wedemeyer (assigned to the District Attorney's Office) and District Attorney Inspector Zaragosa were at the Hilton Hotel located at 1 Hegenberger Road in the city of Oakland conducting surveillance of Timothy Stout [REDACTED]. The investigators were looking for Stout as being a potential witness/victim to a PC 245. Investigators Wedemeyer and Zaragosa also possessed further information that Stout had outstanding warrants out of San Ramon P.D. for multiple counts of grand theft.

At approximately 2226 hours Inspector Zaragosa recognized Stout as he was walking toward a vehicle in the parking lot. Sergeant Wedemeyer called out to Stout to confirm his identification. Upon hearing Sergeant Wedemeyer call out to him Stout ran away with Sergeant Wedemeyer and Inspector Zaragosa giving chase. Sergeant Wedemeyer and Inspector Zaragosa initially caught up to Stout who fought with them, violently resisting their efforts to take him into custody. Stout eventually broke free from the grasp of the Investigators and he was again able to lead them on a foot chase for about another 30 yards.

Sergeant Wedemeyer and Inspector Zaragosa were able to catch up to Stout again and take him to the ground. Stout continued to fight the investigators and they were unable to get him into handcuffs. During the struggle, Stout attempted to retrieve a small semi-automatic pistol with a 30 round magazine located in a holster on his ankle. Stout attempted to unholster the weapon but it was caught on his pant leg.

Sergeant Wedemeyer saw Stout reaching for the gun, and yelled, "Gun! Gun!" to alert Inspector Zaragosa. Sergeant Wedemeyer drew his duty weapon and fired two rounds from a retention position, striking Stout in the calf and in the upper leg.

Sergeant Wedemeyer and Inspector Zaragosa immediately provided first aid to Stout by placing their clothing over Stout's wounds and applying pressure until medics arrived on scene.

No Office of the Sheriff employees were injured as a result of this incident.

Sergeant Wedemeyer and Inspector Zaragosa were sequestered at Oakland P.D. Oakland P.D. Investigators processed Sergeant Wedemeyer's duty weapon and the crime scene.

At the time of this memo Mr. Stout's condition is unknown.

INVESTIGATION

The following Contra Costa County personnel responded pursuant to the Protocol:

Office of the Sheriff

Lieutenant K. Butterfield
Lieutenant B. Vanderlind
Sergeant B. Aldritt
Sergeant S. Ellison

Sergeant M. Klawuhn
Sergeant D. Hall

Office of the District Attorney

Lieutenant S. Pate
Senior Inspector J. Morris
Senior Inspector D. Holcolm
Senior Inspector D. Medina

Employee Representation


Steven Betz from the Law Offices of Rains, Lucia & Stern
Shawn Welch from Contra Costa County Deputy Sheriff's Association

REPORTS

Office of the Sheriff	15-12712
Office of the District Attorney	15-12712
Internal Affairs	2015-063

STOUT, TIMOTHY [Booking#: CC13FN843]-[DOE ██████████], Bookings
Profile

Categories

	First Name	TIMOTHY		
	Last Name	STOUT		
	Middle Name	ERIC		
	Salutation	Not Specified	Suffix	Not Specified
	Date of Birth	██████	Gender	Male
	Birth Country	USA		
	Birth City	HAYWARD		
	Citizenship	USA		
	Ethnicity	WHITE		
	DL #	██████		
	Marital Status	Single	SSN	██████
	Height	5 ft 11 in	Weight	185 lbs
	Book Date/Time	10/16/2013 18:43	Release Date	10/18/2013
	Booking Status	Closed	Custody Status	Not in custody

Identity Reference

Identity Number	CC-ID-A043478	CIN Number	
FBI Number		AFIS Number	070KM1687
State Number		County Number	
Local Number		PFN Number	
Other Number			

Booking Reference

Reference Type	Reference Number	Agency	Issued By	Date of Issue
Case Number	MR13-281	020 CONTRA COSTA CO SHERIFF		
Docket Number	MR13-281	020 CONTRA COSTA CO SHERIFF		
Case Number	13-2334	020 CONTRA COSTA CO SHERIFF		
Docket Number	13-2334	020 CONTRA COSTA CO SHERIFF		

Arrest, Charges

Arrest 1			
Arrest Number	██████	Arrest Agency	CONTRA COSTA CO SHERIFF
Type of Arrest	██████████	Agency Description	CONTRA COSTA CO SHERIFF
Arrest Date/Time	10/16/2013 18:15	ORI	
Location of Arrest	1000 WARD ST, MARTINEZ	Hold Agency	
Arresting Officer	HIZKQUEZ	Transport Officer	
Badge#	66701	Badge#	
Case No	MR13-281	Warrant#	
Hold#		Voided Reason	
Charge Details			

Statute	Charge Class	Description	Classification Lvl	DNA	Disposition
[REDACTED]					
Enhancement					
Statute	Code	Description	Section	Display	

Arrest 2

Arrest Number	[REDACTED]	Arrest Agency	CONTRA COSTA CO SHERIFF		
Type of Arrest	[REDACTED]	Agency Description	CONTRA COSTA CO SHERIFF		
Arrest Date/Time	10/16/2013 18:15		ORI		
Location of Arrest	1000 WARD ST, MARTINEZ		Hold Agency		
Arresting Officer	HIZKQUEZ		Transport Officer		
Badge#	66701		Badge#		
Case No	13-2334		Warrant#		
Hold#			Voided Reason		

Charge Details

Statute	Charge Class	Description	Classification Lvl	DNA	Disposition
[REDACTED]					
Enhancement					
Statute	Code	Description	Section	Display	

Physical

Body Build	Not Specified	English Ability	Not Specified
Can Hear	Yes	Eye Color	HAZEL
Can See	Yes	Eye Condition	Not Specified
Can Speak	Yes	Facial Hair	Not Specified
Complexion	Not Specified	Hair Color	BROWN
Dexterity	Not Specified	Hair Length	Not Specified
Dress Size	0	Hair Style	Not Specified
Height	5 ft 11 in	Teeth Condition	Not Specified
Weight	185 lbs	Vision Aid	Not Specified
Speech Accent	Not Specified	Shoe Size	0

Bed Assignment

Facility Path	Room Number	Bed Number	Status
			Not Assigned

Subject Address

Address Type	Street	City	State	Zip code	Country	From Date	To Date
Home	[REDACTED]						

Subject Phone

Phone Type	Phone Number
Not Specified	

Subject AKA

Last Name	First Name	Middle Name	Suffix

Subject SMT

SMT Code

Subject Employment

Occupation	Contact Name	Start Date	End Date	Employment Status

DNA

Sample Type	Date/Time of Collection	Collected by	Location
Valid Smpl on file	10/16/2013 20:00	ON FILE	DOJ SEARCH TOOL

Classification

Known Enemies						
Booking #	Last Name	First Name	Date Of Birth	Sex	Location	Custody Status
Special Conditions						

Sentence Calculation

Start Date		Projected Release Date	
Ordered Time		Credit Time Served	
Credit Time		Reverse Credit Time	
Good Time		Reverse Good Time	
Work Time		Reverse Work Time	
Suspended Time		Custom Plus Time	
Custom Minus Time			

Property History

Create Date	Container Type	Content Type	Storage Location	Storage Unit	Facility
10/16/2013 18:44	Sealed Bag	Personal Property			
10/16/2013 18:44	Clothing Bag	Clothing			
10/17/2013 03:31	Sealed Bag	Personal Property	000002C1	BIN	MDF
10/17/2013 09:49	Clothing Bag	Clothing	0000P531	RACK	MDF
10/18/2013 18:08	Sealed Bag	Personal Property			
10/18/2013 18:08	Clothing Bag	Clothing			

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DAVID O. LIVINGSTON
Sheriff-Coroner

Michael V. Casten
Undersheriff

Date: May 18, 2016

To: DAVID O. LIVINGSTON, Sheriff
Via: Michael V. Casten, Undersheriff

From: Brian Vanderlind, Lieutenant, Internal Affairs
By: David Hall, Sergeant, Internal Affairs

Subject: Administrative Inquiry - I.A. # 2015-063

CONFIDENTIAL

SUMMARY

On August 3, 2015 Sergeant Wedemeyer (assigned to the District Attorney's Office) and District Attorney Senior Inspector Zaragosa (Maddox) were at the Hilton Hotel located at 1 Hegenberger Road in the city of Oakland conducting surveillance to locate Timothy Stout [REDACTED]. The investigators were looking for Stout to serve him with a subpoena as a witness/victim of a PC 245. Stout also had outstanding warrants for his arrest for multiple counts of grand theft and weapons possession.

At approximately 2226 hours, Sergeant Wedemeyer recognized Stout as he walked through the hotel parking lot. Sergeant Wedemeyer called out to Stout to confirm his identification. Upon hearing Sergeant Wedemeyer call out to him, Stout ran away with Sergeant Wedemeyer and Inspector Zaragosa giving chase. Sergeant Wedemeyer and Inspector Zaragosa initially caught up to Stout who fought with them, violently resisting their efforts to take him into custody. Stout eventually broke free from the grasp of the Investigators and he was again able to lead them on a foot chase for about another 30 yards.

Sergeant Wedemeyer and Inspector Zaragosa were able to catch up to Stout again and take him to the ground. Stout continued to fight the investigators and they were unable to get him into handcuffs. During the struggle, Stout attempted to retrieve a small semi-automatic pistol with a extended magazine located in a holster on his ankle. Stout attempted to un-holster the weapon but it was caught on his pant leg.

Sergeant Wedemeyer saw Stout reaching for the gun, and yelled, "Gun! Gun!" to alert Inspector Zaragosa. Sergeant Wedemeyer drew his duty weapon and fired two rounds from a retention position, striking Stout in his leg.

Sergeant Wedemeyer and Inspector Zaragosa immediately provided first aid to Stout by placing their clothing over Stout's wounds and applying pressure until medics arrived on scene.

No Office of the Sheriff employees were injured as a result of this incident.

Sergeant Wedemeyer and Inspector Zaragosa were sequestered at Oakland P.D. Steven Betz from the law firm of Rains Lucia & Stern provided legal representation for Sergeant Wedemeyer. Oakland P.D. Investigators processed Sergeant Wedemeyer's duty weapon and the crime scene.

Suspect Information

Timothy Eric Stout



Other Involved Persons



INVESTIGATION

The following Contra Costa County personnel responded pursuant to the Protocol:

Office of the Sheriff

Lieutenant K. Butterfield
Lieutenant B. Vanderlind
Sergeant B. Alldritt
Sergeant S. Ellison

Sergeant M. Klawuhn
Sergeant D. Hall

Office of the District Attorney

DDA Barry Grove
Lieutenant S. Pate
Senior Inspector J. Morris
Senior Inspector D. Holmgren
Senior Inspector D. Holcombe

Oakland Police Department

Sergeant Caesar Basa (lead investigator)
Sergeant Eric Molina
Lieutenant Roland Holmgren

Employee Representation

Steven Betz from the Law Offices of Rains, Lucia & Stern
Shawn Welch from Contra Costa County Deputy Sheriff's Association

Investigative Assignments

Because this incident occurred in the city of Oakland, the investigation of this OIS was done by personnel from Oakland PD in accordance with their policies and procedures. As a result, reports and documentation normally associated with these types of investigations were not available for review.

Investigators from Oakland PD conducted interviews of Sergeant Wedemeyer and Inspector Zaragosa. Deputy District Attorney Barry Grove and Senior Inspector Morris of the Contra Costa County Office of the District Attorney were also present during the interviews.

The investigation revealed no facts in direct conflict with those outlined in the initial background summary. Additional and/or clarifying information obtained during the criminal investigation includes the following:

Sergeant Wedemeyer said several weeks ago he was approached by Inspector Zaragosa who requested his assistance in locating Mr. Stout. Mr. Stout was wanted as the victim/witness of an attempted homicide that occurred in the city of Pittsburgh. Additionally, Mr. Stout had three outstanding warrants for his arrest issued by Oakland and San Ramon Police Departments. Sergeant Wedemeyer was aware there had been several unsuccessful attempts made by investigators from the District Attorney's Office to serve Mr. Stout with a summons to appear in court.

Approximately two weeks prior to the incident, Sergeant Wedemeyer developed information through a confidential informant that Mr. Stout was staying [REDACTED] with his girlfriend [REDACTED]. At that time, Sergeant Wedemeyer and Inspector Zaragosa conducted surveillance of [REDACTED] residence to see if Mr. Stout was there or showed up at the residence. They did not locate Mr. Stout, but Sergeant Wedemeyer was able to confirm [REDACTED] Mr. Stout had been seen at the address.

The morning of Monday August 3, 2015, Sergeant Wedemeyer received a text message [REDACTED] stating Mr. Stout had been at the [REDACTED] address the night before. Sergeant Wedemeyer called Inspector Zaragosa and advised her of the information. Prior to departing for Oakland, Inspector Zaragosa provided Sergeant Wedemeyer with Mr. Stout's criminal history, or "rap sheet." In reference to Mr. Stout's criminal history Sergeant Wedemeyer said, **"There didn't appear to be anything violent in [Mr. Stout's criminal history] that would have sparked us to believe this was going to evolve into anything other than a traditional warrant arrest, if there is such a thing."**

Sergeant Wedemeyer and Inspector Zaragosa conducted surveillance of Mr. Stout's residence from approximately noon until 1900 hours.

At approximately 1900 hours, Sergeant Wedemeyer observed [REDACTED] drive up to the residence in a [REDACTED]. Mr. Stout was not in the vehicle. Around the same time, Sergeant Wedemeyer received a text message from an informant stating [REDACTED] was at the residence to retrieve clothes for Mr. Stout.

Sergeant Wedemeyer said he and Inspector Zaragosa observed the residence from their vehicle for approximately one more hour. During that time, Sergeant Wedemeyer exited his vehicle and walked around the outside of [REDACTED] apartment. Sergeant Wedemeyer could see through a window into the residence from the street and saw [REDACTED] gathering men's clothing from a closet and putting

them into a gym bag. Shortly afterward, Sergeant Wedemeyer said [REDACTED] emerged from the residence carrying the bag of clothes and walking a dog on a leash.

[REDACTED] got into the [REDACTED] and drove southbound on Interstate 880 before she exited on Hegenberger Road. [REDACTED] entered the Hilton Hotel parking lot at 1 Hegenberger Road through a secured gate manned by a parking lot attendant. Sergeant Wedemeyer said he identified himself as law enforcement to the gate attendant and the attendant allowed him and Inspector Zaragosa in the parking lot.

[REDACTED] parked her vehicle in a temporary parking spot near the entrance of the hotel. Sergeant Wedemeyer said he parked their vehicle in a handicap parking stall about twenty spaces away from where [REDACTED] parked her SUV. Sergeant Wedemeyer did not believe [REDACTED] was ever aware she was being followed. Sergeant Wedemeyer said he could not tell if [REDACTED] had exited her vehicle because the lights were still on.

Because she parked in a temporary parking spot, Sergeant Wedemeyer figured [REDACTED] either planned to go inside and deliver the clothes to Mr. Stout, or Mr. Stout would meet her in the parking lot to retrieve the clothes. Sergeant Wedemeyer said he and Inspector Zaragosa discussed whether or not they should follow [REDACTED] into the hotel and try locate Mr. Stout inside his room, or if they would wait to see if Mr. Stout came out to the parking lot.

Sergeant Wedemeyer said they decided to wait in the parking lot. They exited their vehicle and walked to the far east side of the lot. Sergeant Wedemeyer was dressed in a black t-shirt and khaki pants with his inspector badge and firearm affixed to his belt on the right side of his waist. Sergeant Wedemeyer also wore a black baseball cap with the Contra Costa County Office of the Sheriff star embroidered on it in gold.

Sergeant Wedemeyer said he and Inspector Zaragosa were standing by several transport vans in the parking lot when they spotted Mr. Stout walking through the parking lot, right past where they stood. Sergeant Wedemeyer said Mr. Stout was manipulating his cell phone and paid no attention to them as he walked by. Sergeant Wedemeyer said as he observed Mr. Stout, he realized Mr. Stout was considerably larger in stature (more muscular) than the height and weight listed on his driver's license.

Sergeant Wedemeyer followed behind Mr. Stout and called out, "Timothy," as he got to within about five feet of Mr. Stout. When Mr. Stout turned around and looked at him, Sergeant Wedemeyer said, "Sheriff's Office, stop!" Mr. Stout turned and ran away from Sergeant Wedemeyer. Sergeant Wedemeyer retrieved a flashlight from his belt and he ran after Mr. Stout. The entire time he chased after Mr. Stout, Sergeant Wedemeyer yelled, "Sheriff's Office, Police, Stop!"

Sergeant Wedemeyer said he quickly caught up to Mr. Stout and he struck Mr. Stout with his flashlight approximately four times in his rear ribcage, kidney area, and lower legs. Sergeant Wedemeyer again identified himself as the police and ordered Mr. Stout to stop. Sergeant Wedemeyer said Mr. Stout turned toward him and took a fighting posture. Sergeant Wedemeyer dropped his flashlight and grabbed Mr. Stout's shirt as Mr. Stout walked backwards away from him. Sergeant Wedemeyer said Mr. Stout "wiggled" out his shirt and continued to run away from him.

Sergeant Wedemeyer said after a brief period of time, he again caught up to Mr. Stout and Inspector Zaragosa also caught up to them. Sergeant Wedemeyer said at that point, he and Inspector Zaragosa

got into a physical confrontation with Mr. Stout. Sergeant Wedemeyer said he and Inspector Zaragosa continually identified themselves as police officers and gave Mr. Stout commands to "stop resisting" and "get on the ground." Sergeant Wedemeyer said Mr. Stout refused to comply and Mr. Stout stated, "You're not the cops." Sergeant Wedemeyer said he and Inspector Zaragosa continued to tell Mr. Stout they were police officers and to stop resisting. Sergeant Wedemeyer stated, "[Mr. Stout] was no longer trying to evade at that point, it was a physical assault on each other."

Mr. Stout ran away again but lost his footing and fell over. Sergeant Wedemeyer got on top of Mr. Stout and attempted to place his right arm in an arm-bar control hold. Inspector Zaragosa crouched over Sergeant Wedemeyer's left side and attempted to assist in holding Mr. Stout down on the ground. Sergeant Wedemeyer continued to order Mr. Stout to stop resisting.

Mr. Stout was able to get into a seated position with his left leg underneath him. Sergeant Wedemeyer said Mr. Stout pulled his right leg up towards his body and grabbed at his right ankle with both hands. Sergeant Wedemeyer said Mr. Stout pulled his pant leg up and retrieved a firearm from his ankle. Sergeant Wedemeyer recalled seeing the entire handgun in Mr. Stout's hands. Sergeant Wedemeyer yelled, "gun," drew his service weapon and fired two shots downward at Mr. Stout from a retention position. Sergeant Wedemeyer said his firearm was pointed at the lower portion of Mr. Stout's body but he did not know where the bullets struck Mr. Stout. Sergeant Wedemeyer said, **"I shot [Mr. Stout] because I was afraid if [Mr. Stout] continued to gain control of that gun he was going to use it against me or my partner. Or, if he would have discharged it, immediately to our right was the gate that was occupied by a parking...the same parking lady that buzzed us [into the parking lot]."**

Immediately after being shot, Mr. Stout dropped the gun and Sergeant Wedemeyer was able to handcuff him. Sergeant Wedemeyer said Inspector Zaragosa asked the parking lot attendant to call 911. Sergeant Wedemeyer said Inspector Zaragosa ran off, presumably to summon more help. Sergeant Wedemeyer said Mr. Stout continued to "actively resist" even though he was injured and handcuffed. Sergeant Wedemeyer said he had a hard time keeping Mr. Stout on the ground.

Inspector Zaragosa returned to Sergeant Wedemeyer's location and gave him an unknown article of clothing which he used to apply direct pressure to Mr. Stout's wounds. Sergeant Wedemeyer was still not sure where Mr. Stout was injured but he observed a large amount of blood coming from the inside of Stout's right thigh.

Inspector Zaragosa stated she and Sergeant Wedemeyer were in Oakland looking for Mr. Stout in order to arrest him on three outstanding warrants and serve him with a court subpoena. She explained the court subpoena was for Mr. Stout to testify in an attempted murder case in which he was the victim. Inspector Zaragosa said Mr. Stout's warrants were out of Oakland and San Ramon and she knew at least one of the warrants was for a felony. Inspector Zaragosa said she had been looking for Mr. Stout for several months and she had recently developed information Mr. Stout was staying at [REDACTED] in the city of [REDACTED]

Inspector Zaragosa said she and Sergeant Wedemeyer surveilled the [REDACTED] address for much of the day into the evening of August 3, 2015. Inspector Zaragosa said she and Sergeant Wedemeyer received information Mr. Stout was at the Hilton Hotel. Inspector Zaragosa and Sergeant Wedemeyer responded to the Hilton, parked their vehicle and walked the parking lot on foot. Inspector Zaragosa said she and Sergeant Wedemeyer were standing next to two small buses when Sergeant Wedemeyer

recognized Mr. Stout as he walked through the parking lot. Based on his appearance at the time, Inspector Zaragosa said she had no indication Mr. Stout was armed.

Inspector Zaragosa said Sergeant Wedemeyer called out to Mr. Stout and Mr. Stout briefly turned before running away. Inspector Zaragosa said she and Sergeant Wedemeyer chased Mr. Stout through the parking lot. Inspector Zaragosa said she and Sergeant Wedemeyer gave Mr. Stout numerous commands to stop resisting, and to get on the ground.

Inspector Zaragosa and Sergeant Wedemeyer caught up with Mr. Stout in a grassy area and Mr. Stout continued to fight their efforts to place him in handcuffs. Inspector Zaragosa said Mr. Stout kept yelling, "You guys aren't cops." Inspector Zaragosa said Sergeant Wedemeyer dropped his flashlight which she picked up and used to strike Mr. Stout on his legs. Inspector Zaragosa said she and Sergeant Wedemeyer attempted to grab Mr. Stout's t-shirt, but the shirt ripped from his body allowing him to escape their grasp and continue to run away from them. Inspector Zaragosa said at one point, Mr. Stout lost his footing and fell in a grassy area in the parking lot. When Mr. Stout stumbled, it allowed Inspector Zaragosa and Sergeant Wedemeyer an opportunity to get on top of him in order to handcuff him. Inspector Zaragosa said she and Sergeant Wedemeyer continued to give Mr. Stout commands to stop resisting and to get on the ground. Inspector Zaragosa said Mr. Stout continued to violently resist their efforts to gain control over him.

Inspector Zaragosa said Mr. Stout landed in a seated position on the grass with his leg stretched out in front of his body. **Inspector Zaragosa saw Mr. Stout lean his body forward, pull up his right pant leg and reach for a gun on his ankle. Inspector Zaragosa said the gun was a black semiautomatic and had an extended magazine that protruded past the magazine well of the gun. Inspector Zaragosa was uncertain if Mr. Stout actually had the gun in his hands. Inspector Zaragosa heard Sergeant Wedemeyer yell, "Gun, gun!" and she heard two gunshots.**

Inspector Zaragosa said she believed Mr. Stout reached for the gun because he intended to shoot her and Sergeant Wedemeyer.

After Mr. Stout was shot, Inspector Zaragosa immediately told a female parking lot attendant to contact the police and an ambulance. Inspector Zaragosa gave Sergeant Wedemeyer her sweatshirt so he could apply pressure to Mr. Stout's wounds. Inspector Zaragosa said she then retrieved her cell phone from her vehicle so she could also call for help.

██████████ stated he was leaving the hotel restaurant when he heard someone yell "stop." ██████████ saw Mr. Stout running eastbound through the hotel parking lot toward Hegenberger Rd with Sergeant Wedemeyer running behind Mr. Stout. ██████████ stated he heard Sergeant Wedemeyer order Mr. Stout to stop several times. ██████████ saw Sergeant Wedemeyer grab Mr. Stout by his shirt collar and said Mr. Stout swiped his hand back at Sergeant Wedemeyer in order to prevent him from gaining control of him. ██████████ stated he saw Sergeant Wedemeyer in a physical altercation with Mr. Stout.

██████████ said he also saw Inspector Zaragosa running behind Mr. Stout and Sergeant Wedemeyer. ██████████ heard two "pops" he believed to be gunshots. ██████████ ran inside the hotel and remained inside until he heard police sirens outside.

[REDACTED] stated she heard yelling coming from an area south of [REDACTED] looked in the direction of the yelling and saw three people fighting. [REDACTED] saw there was at least one male and one female involved in the fight, but she could not determine the sex of the third person involved. [REDACTED] turned to reach for the telephone and she heard two gunshots. [REDACTED] did not see anyone holding a gun, nor could she tell if anyone had been struck by gunfire. [REDACTED] saw the female involved in the fight was wearing a holstered gun on her belt and believed the female was a police officer.

[REDACTED] stated he heard Inspector Zaragosa yelling outside but he did not know what she was yelling about. [REDACTED] went outside to investigate the disturbance and heard Inspector Zaragosa giving Mr. Stout commands to "stop resisting." [REDACTED] said he assumed Inspector Zaragosa was a law enforcement officer and needed help so he approached the area where she and Sergeant Wedemeyer were struggling with Mr. Stout. [REDACTED] saw Inspector Zaragosa and Sergeant Wedemeyer were having a hard time gaining control of Mr. Stout's arms due to his size. [REDACTED] said Sergeant Wedemeyer and Inspector Zaragosa continually gave Mr. Stout commands to get on the ground and stop resisting. [REDACTED] also heard Inspector Zaragosa tell Mr. Stout several times he was under arrest.

[REDACTED] saw Sergeant Wedemeyer, Inspector Zaragosa and Mr. Stout all fall to their knees during the struggle. [REDACTED] said Sergeant Wedemeyer drew his firearm and pointed it at Mr. Stout. Mr. [REDACTED] said he saw Mr. Stout reached for his waistband with his right hand, which he believed was for the purpose of retrieving a weapon. [REDACTED] said Sergeant Wedemeyer then shot Mr. Stout in the upper thigh area.

[REDACTED] said Inspector Zaragosa immediately directed him to call for medical assistance and she also requested a first aid kit. [REDACTED] returned to the hotel lobby and called police.

[REDACTED] At approximately 2220 hours, Mr. [REDACTED] was standing at the entrance of the hotel when he observed Sergeant Wedemeyer and Inspector Zaragosa running after Mr. Stout. [REDACTED] stated he heard Sergeant Wedemeyer and Inspector Zaragosa telling Mr. Stout to stop.

[REDACTED] went inside the hotel and asked security staff to call the police. [REDACTED] then went back outside and saw Sergeant Wedemeyer on top of Mr. Stout who was face down in the grass. [REDACTED] stated that Sergeant Wedemeyer used his left hand to hold Mr. Stout's right hand behind his back. [REDACTED] stated Sergeant Wedemeyer drew his firearm with his right hand and fired two rounds. After the shots were fired, [REDACTED] said Inspector Zaragosa ran over to him and told him to call the police.

[REDACTED] stated she had been in a co-habiting on-and-off dating relationship with Mr. Stout for two years. [REDACTED] said she dropped Mr. Stout off at the Hegenberger Hilton on August 3, 2015 at approximately 1700 hours. [REDACTED] said she did not ask Mr. Stout any questions concerning why he wanted to be dropped off at the hotel because she wanted to avoid getting into an argument with him.

[REDACTED] said she received a phone call from Mr. Stout at approximately 2030 hours asking if she would bring him some clothes to the hotel. [REDACTED] retrieved the clothes and arrived at the Hilton at approximately 2215 hours, and she parked her [REDACTED] SUV in the parking lot at the front entrance of

the hotel [REDACTED] said she looked for Mr. Stout but she did not see him. [REDACTED] said she saw a white female about 35 to 40 years old, emerge from a side door of the hotel. [REDACTED] stated the female was being loud and stood next to a shuttle van located at the front entrance of the hotel. Ms. [REDACTED] also observed a male standing next to the white female.

[REDACTED] later saw Mr. Stout walking toward her vehicle from the hotel bar area. Ms. [REDACTED] said she saw the white female and the male walking behind Mr. Stout. Ms. [REDACTED] said the female and male told Mr. Stout to stop and Mr. Stout ran from them. Ms. [REDACTED] said the white female and male chased Mr. Stout to a grassy area and the female hit Mr. Stout with a "mag light." Ms. [REDACTED] heard multiple voices say "stop resisting" over and over again. Ms. [REDACTED] said the male and female tackled Mr. Stout to the ground face-first. Ms. [REDACTED] said after the female yelled "stop resisting," the male pulled a gun from his right side and shot Mr. Stout twice. Ms. [REDACTED] said the female said, "You tried to shoot my partner. Call an ambulance."

Ms. [REDACTED] stated she did not see Mr. Stout with a gun.

Oakland PD Officer Rushing #9233, was dispatched to 1 Hegenberger Rd. to investigate a report of a shooting. When he arrived on scene, Officer Rushing was flagged down by Inspector Zaragosa. Officer Rushing ran to Inspector Zaragosa's location and saw Sergeant Wedemeyer kneeling next to Mr. Stout who was lying on the ground handcuffed. Officer Rushing stated Mr. Stout was bleeding profusely from a gunshot wound to his right leg and Sergeant Wedemeyer was applying pressure to the wound. Officer Rushing radioed for "code three medical" response.

Officer Rushing observed a black firearm with a magazine inserted inside the magazine well, several feet from where Mr. Stout was located. Inspector Zaragosa told Officer Rushing the firearm was Mr. Stout's. Officer Rushing also saw several articles of clothing on the grass that appeared to belong to Inspector Zaragosa and Sergeant Wedemeyer, including a dark colored police jacket that read: "Contra Costa County Sheriff" in bold yellow lettering.

The Glock Model 40 pistol Serial Number VGY042, recovered from Mr. Stout was reported stolen by Modesto Police Department on March 23, 2015.

A [REDACTED] was registered to [REDACTED] at [REDACTED]. The vehicle was towed by Oakland PD for evidence processing.

On May 9, 2016, I contacted Lieutenant Roland Holmgren of the Oakland PD Homicide Division to obtain more information about Mr. Stout's injuries and condition following the shooting. Lieutenant Holmgren told me he could not provide specific information about Mr. Stout's injuries because Oakland PD investigators did not obtain a search warrant for Mr. Stout's medical records. Lieutenant Holmgren said following the shooting, Mr. Stout remained hospitalized for approximately one month recovering from his injuries.

REPORTS

Office of the Sheriff	15-12712
Office of the District Attorney	15-12712
Internal Affairs	2015-063
Oakland PD	15-041328

HONOR

COURAGE

COMMITMENT

LEADERSHIP

TEAMWORK

POLICIES / PROCEDURES REVIEWED

Office of the Sheriff Policy and Procedure 1.06.61 – Use of Force

Office of the Sheriff Policy and Procedure 1.06.62 – Police Involved Fatal or Serious Injury Incidents

Office of the Sheriff Policy and Procedure 1.07.31 – Firearms Safety and Qualification

Office of the Sheriff Policy and Procedure Appendix 2 – Officer Involved Fatal Incident Protocol

Office of the Sheriff Investigation Policy and Procedures 4.03.06 – Service of Search Warrants and Arrest Warrants

POLICIES / PROCEDURES CONGRUENT WITH COMMON PRACTICE

Office of the Sheriff Policies and Procedures section 1.06.61 – Use of Force states in Part:

POLICY

Deputies shall use only that degree of force that is objectively reasonable to protect themselves and others, or to overcome resistance to their lawful authority.

DEFINITIONS

B. DEADLY FORCE: *Any use of force that creates a substantial risk of causing death or serious bodily injury.*

I. FORCE: *Any physical effort used to control, restrain, or overcome the resistance of another.*

Sergeant Wedemeyer's discharge of his firearm constituted potentially deadly force.

GENERAL

A. DECISION TO USE FORCE

A Deputy's decision to use force shall take into consideration the facts and circumstances of each individual situation. Factors a Deputy should consider when deciding to use force in a given situation include but are not limited to:

2. Whether the suspects pose an immediate threat to the safety of Deputies or others;

Mr. Stout's actions posed an immediate threat to Sergeant Wedemeyer and Inspector Zaragosa. Mr. Stout violently resisted Sergeant Wedemeyer's and Inspector Zaragosa's efforts to arrest him. Mr. Stout engaged in a prolonged physical altercation with Sergeant Wedemeyer and Inspector Zaragosa in an effort to elude capture. During the physical struggle, Mr. Stout attempted to retrieve a handgun he had concealed on his right ankle. Based on his continued efforts to elude capture and refusal to submit to

the lawful authority of Sergeant Wedemeyer and Inspector Zaragosa, it was reasonable to believe Mr. Stout intended to use the firearm against them, likely producing great bodily injury or death.

3. Whether the suspects are actively resisting arrest or attempting to evade arrest by flight;

Mr. Stout led Sergeant Wedemeyer and Inspector Zaragosa on a prolonged foot chase and disregarded numerous commands to stop after Sergeant Wedemeyer identified himself as law enforcement. When they were able to catch up to him on two occasions, Mr. Stout violently resisted Sergeant Wedemeyer's and inspector Zaragosa's efforts to take him into custody.

4. The time available to make decisions;

The events unfolded quickly. Sergeant Wedemeyer and Inspector Zaragosa were in pursuit of Mr. Stout from the time they identified him in the hotel parking lot. When they did catch Mr. Stout, he attempted to pull a gun that he had concealed on his person.

6. Proximity to potential weapons (the Deputy's or others);

When Sergeant Wedemeyer and Sergeant Zaragosa caught Mr. Stout the second time, they were able to get him to the ground. While they struggled to gain control of him on the ground, Mr. Stout reached for and grabbed a firearm from his ankle. Sergeant Wedemeyer immediately identified the weapon and fired two rounds at Mr. Stout, striking him both times.

B. USE OF FORCE

The amount of force used shall only be the amount that is objectively reasonable to control the resistance encountered in light of all the relevant circumstances. The force used should not be escalated unless it's reasonably determined that a lower level of force would not be adequate, or such a level of force is attempted and found to be inadequate. When deciding to use force, Deputies should consider the following specific factors for evaluating their use of force:

- 1. The need for the use of force;*
- 2. The relationship between the need and the amount of force to be used;*
- 3. The extent of potential injuries that could result;*
- 4. The threat reasonably perceived by the Deputy;*
- 5. Other available force options that could temper the severity of a forceful response.*

The use of Sergeant Wedemeyer's firearm was a reasonable response to an imminent threat posed by Mr. Stout against Sergeant Wedemeyer and Inspector Zaragosa. Mr. Stout's actions by retrieving the firearm concealed on his person led Sergeant Wedemeyer to reasonably believe Mr. Stout intended to use the firearm against him and or Inspector Zaragosa and intended to inflict upon them great bodily injury or death. **As such, Sergeant Wedemeyer's decision to use deadly force was justified.**

C. AUTHORIZED WEAPONS AND FORCE TECHNIQUES

Deputy Sheriffs shall only carry and should only use approved weapons and force techniques for which they have received and completed P.O.S.T. certified and/or Sheriff's Office authorized training.

D. FORCE OPTIONS

The Office of the Sheriff recognizes a Deputy's need for a degree of flexibility in making use of force assessments given the fluid dynamics of a confrontation. The standard for evaluating a Deputy's use of force is "reasonableness under the facts and circumstances known to the Deputy at the time." Therefore, a Deputy may choose any of the following force options, including no use of force, provided the force option is objectively reasonable.

1. Professional Presence Non-Verbal and Verbal (no force)

Mr. Stout ignored numerous commands to stop resisting from Sergeant Wedemeyer and Inspector Zaragosa. Mr. Stout continued his effort to get away and used increasingly more violent methods to prevent his capture.

2. Control, Search and Handcuff.

Once he was shot, Mr. Stout dropped the firearm and stopped resisting Sergeant Wedemeyer and Inspector Zaragosa. Sergeant Wedemeyer and Inspector Zaragosa used control and handcuffing techniques to control and arrest Mr. Stout.

3. Defensive Tactics

6. Personal Weapons

During the foot pursuit and physical struggle, Sergeant Wedemeyer and Inspector Zaragosa unsuccessfully used control and arrest techniques to gain control of Mr. Stout. When those measures failed Sergeant Wedemeyer and Inspector Zaragosa used a flashlight as an alternate impact weapon in an effort to overcome his resistance and arrest him.

11. Firearms.

12. Deadly Force.

Sergeant Wedemeyer feared for his life and the life of Inspector Zaragosa. The use of his firearm constituted deadly force, which was an appropriate response due to the circumstance presented by Mr. Stout.

PROCEDURE 1

G. USE OF FIREARM/DEADLY FORCE.

1. A firearm may be discharged only for one or more of the following circumstances:

c. When necessary in the defense of one's own life or to prevent serious physical harm;

d. When necessary in the defense of any person in immediate danger of death or serious physical injury;

Mr. Stout posed an immediate threat to the lives of Sergeant Wedemeyer and Inspector Zaragosa and it was reasonable to assume Mr. Stout intended on assaulting them with his firearm.

2. ***WHEN FIREARMS WILL NOT BE DISCHARGED. Firearms will not be discharged:***

a. As a warning;

b. To effect the capture or prevent the escape of a person who is reasonably believed to be committing, or have committed, a felony which DOES NOT involve the use or threat to use deadly force;

c. In any misdemeanor case;

d. From or at a moving vehicle except in the defense of one's own life or the life of another person.

Sergeant Wedemeyer's actions did not violate any policy related to when firearms will not be discharged.

PROCEDURE 2

A. PROVIDING MEDICAL AID AFTER USE OF FORCE.

When use of force causes injury, which would reasonably require medical attention, the Deputies using such force will ensure the injured person receives proper medical attention as soon as possible.

1. Deputies will normally transport or arrange for transport of injured persons to the Contra Costa Regional Medical Center, unless the nature and/or extent of the injuries necessitate transport to a closer facility, or as directed by a supervisor.

Immediately after Mr. Stout was shot, Sergeant Wedemeyer and Inspector Zaragosa started life saving measures, using their clothing to apply direct pressure to Mr. Stout's wounds. Sergeant Wedemeyer and Inspector Zaragosa continued treatment of Mr. Stout until they were relieved by qualified medical personnel. Mr. Stout was transported to Highland Hospital via ambulance for treatment of his injuries.

PROCEDURE 3

A. REPORTING USE OF FORCE.

HONOR

COURAGE

COMMITMENT

LEADERSHIP

TEAMWORK

PROCEDURE 4

A. REPORTING USE OF FIREARMS.

Sergeant Wedemeyer was interviewed by Oakland PD investigators as part of their protocol regarding response to officer-involved shootings. Documentation generated as a result of Oakland PD's criminal investigation, satisfied the reporting requirements for Sergeant Wedemeyer's use of force and use of his firearm.

Office of the Sheriff Policies and Procedures section 1.07.32, Authorized Firearms and Ammunition states in part:

GENERAL

2. SEMIAUTOMATIC FIREARM SPECIFICATIONS.

a. Make: Sig Sauer, **Glock (Gen3/Gen4)**, or Heckler and Koch pistols with the following characteristics:

b. Type: Semiautomatic Pistol.

c. Caliber: 9mm, .40 Cal., or **.45 Auto**

At the time of the shooting, Sergeant Wedemeyer was carrying a **personally owned Glock, Model 27, .45 caliber pistol**, (serial number [REDACTED]).

Office of the Sheriff Policies and Procedures section 1.07.31 – Firearms Safety and Qualification states in part:

GENERAL

E. OFFICE OF THE SHERIFF FIREARMS QUALIFICATION.

All Sworn Personnel are required to successfully complete the Office of the Sheriff firearms qualifications within the time frame prescribed below and with the firearms(s) authorized for carrying while wearing the Office of the Sheriff prescribed standard uniform.

1. *All Sworn Personnel assigned to a position which does not require the prescribed standard and/or Class "A" uniform must also qualify with the specific Office of the Sheriff authorized firearm carried while on duty in the non-uniformed positions.*

2. *All Sworn Personnel who change duty firearms to a different make, model, barrel length, or caliber must qualify at an Annual Office of the Sheriff Firearms Qualification, or at a supplemental Firearms Exercise, with the new firearm before authorization will be given to carry the new firearm.*

3. All Sworn Personnel must demonstrate firearms proficiency semiannually. Primary proficiency will be demonstrated during an Annual Office of the Sheriff Firearms Qualification, commonly referred to as the "Summer Qualification," and secondary proficiency will be demonstrated during the Office of the Sheriff Annual Firearms Qualification or the Functional Performance Test.

Office of the Sheriff training records indicated Sergeant Wedemeyer was current with the firearms qualification requirement. He qualified with his personally owned Glock duty weapon, **Model 27, (serial number [REDACTED] on October 25, 2014.**

Office of the Sheriff Policies and Procedures 1.06.62, Police Involved Fatal or Serious Injury incidents states in part:

DEFINITIONS.

A. Any police investigation directly involving two or more people in which an on duty or off-duty police employee is involved and death or serious injury results. Such incidents include by are not limited to:

- 1. Intentional and accidental shootings involving any serious injury, including police tactical incidents involving specialized response teams.**
- 2. Intentional and accidental use of any other deadly or dangerous weapon.**
- 3. Assaults upon police employees who are performing a law enforcement function.**
- 4. Attempts to effect an arrest or otherwise gain physical control over a person for a law enforcement purpose.**

Office of the Sheriff Policies and Procedures Appendix 2 – Law Enforcement Involved Fatal Incidents states in part:

E. LAW ENFORCEMENT-INVOLVED FATAL INCIDENTS (LEIFs) – MANDATORY

1. Incidents fatal to civilians in which (a) the conduct of a "Law Enforcement Person" or (b) the operations or activities of an LEA, is/are "actually or conceivably a factor" in the fatality.

b. Law enforcement operations or activities of any type in which a fatality occurs, such as these examples:

1) During attempts by LEOs, "on-duty" Reserve LEOs or by "on-duty" Non-Sworn Personnel to detain, arrest or gain physical control of a person

G. Invoking the Protocol

2. Optional Invocation

HONOR

COURAGE

COMMITMENT

LEADERSHIP

TEAMWORK

This Protocol may be optionally invoked for incidents involving law enforcement personnel or LEA activities and operations which are not included within the definition of "Law Enforcement Involved Fatal Incidents" if possible criminal conduct of anyone involved in the incident is an issue that should be reasonably determined. Neither death nor bodily injury is a prerequisite to optional invocation under this category, thus the Protocol may be invoked for incidents involving any type of potential crime, including but not limited to: property and person crimes; integrity crimes; crimes against public health, safety or peace; threat crimes; and state civil rights crimes.

c. Examples of optional invocation situations: (Also see decision-making factors)

2) Incidents involving physical injuries which are not "fatal."

e. These Factors may be relevant to those considering optional invocations:

1) Injuries to an involved person have not resulted in death, and imminent death is not then medically expected, but the LEA wants the Protocol investigation to begin immediately despite medical prognosis.

3) Circumstances concerning the incident cause the LEA to have special need to utilize the Protocol to ensure a thorough, impartial and credible Criminal Investigation.

Although the shooting of Mr. Stout by Sergeant Wedemeyer did not result in a fatality, Mr. Stout did suffer significant injuries. Sergeant Wedemeyer's discharge of his firearm at an armed and violently resisting felon, in defense of his life and the life of Inspector Zaragosa, warranted the optional invocation of the Protocol. As a result, the Law Enforcement Involved Fatal Incident Protocol was invoked.

Viewed objectively, Sergeant Wedemeyer acted justifiably and in defense of his life as well as the lives of Inspector Zaragosa and the members of the surrounding community. His decision to discharge his firearm at Mr. Stout was legal, proper, and in congruence with Office of the Sheriff Policies and Procedures.

Office of the Sheriff Investigation Policy and Procedures 4.03.06 – Service of Search Warrants and Arrest Warrants states in part:

I. POLICY

- A. *It is the policy of the Investigation Division that the obtaining and service of search warrants and arrest warrants shall be done in a professional manner, with adherence to legal procedures and requirements.*

PROCEDURE

HONOR

COURAGE

COMMITMENT

LEADERSHIP

TEAMWORK

F. *Local Agency Notification*

1. *It is Departmental policy that local law enforcement agencies be notified when Sheriff's Office personnel are conducting operations within their perspective jurisdictions.*
2. *The notifications shall be made by the Unit Supervisor or their designee prior to the planned event.*

During his interview Sergeant Wedemeyer said he did not notify Oakland PD that he and Inspector Zaragosa were in the city of Oakland looking for Mr. Stout, who was wanted for several outstanding warrants. Due to Mr. Stout not having a violent criminal history, Sergeant Wedemeyer did not believe it was pertinent to notify Oakland PD of their intent to locate and arrest Mr. Stout.

Viewed objectively, Sergeant Wedemeyer's reasoning for not notifying Oakland PD he was searching for a wanted person in their jurisdiction was not valid, nor was it congruent with Office of the Sheriff Policy and Procedure.

DECLARATION

To Be Completed By Person Collecting Blood

Kit # 77592
Case # 15-12712
Left Arm
02:52 AM

ANH HONG PHAM
(Print Name)

, under penalty of perjury says:

I am employed by CML
in the capacity checked below:

- | | |
|--|---|
| <input type="checkbox"/> physician | <input type="checkbox"/> clinical laboratory bioanalyst |
| <input type="checkbox"/> registered nurse | <input checked="" type="checkbox"/> phlebotomist |
| <input type="checkbox"/> licensed vocational nurse | <input type="checkbox"/> certified paramedic |
| <input type="checkbox"/> licensed clinical laboratory technologist | |

On this date I took blood from a person identified to me as _____

WEDE MEYER DANIEL J., the subject.

I cleaned the area to be punctured with the non-alcoholic disinfectant, included in the Contra Costa County Criminalistics Laboratory blood withdrawal kit.

Using the sterilized needle and holder from the kit, I inserted the needle into the subject's vein and withdrew enough blood to fill the two vacuum tubes.

I discarded the needle, holder, and disinfectant. I mixed the powder in the tubes thoroughly to prevent the blood from clotting.

The tubes of blood were labeled with the full name of the subject, the date and time of withdrawal, and I placed my initials on the label.

I gave the tubes to the officer who accompanied the subject, and I observed the officer seal the top of each tube with a label seal and place his initials on the seal and on the label of each tube.

The sample(s) was/were taken in a medically approved manner.

I declare under penalty of perjury that the foregoing is true and correct.

Contra Costa Sheriff Dept.

Dated: 8/4/15 at CCC SD California.

[Signature]
(Signature of Declarant)

CC County S. Dept.
Case # 15-12712
offense - Drugs - 245 pc
Sgt. D. Hall

(WHITE COPY)
(YELLOW COPY)
(PINK COPY)

DISTRICT ATTORNEY'S COPY - PLEASE SUBMIT TO DA'S OFFICE ALONG WITH FILING PAPERWORK
POLICE AGENCY'S COPY - PLEASE DETACH AND MAINTAIN FOR YOUR RECORDS
COPY FOR PERSON MAKING BLOOD WITHDRAWAL - PLEASE DETACH AND MAINTAIN FOR YOUR RECORDS

DECLARATION

To Be Completed By Person Collecting Blood

Q1 # 77592
Box # 15-12712
Left Arm
0232 AM

ANN M. [unclear], under penalty of perjury says:
(Print Name)

I am employed by CML
in the capacity checked below:

- | | |
|--|---|
| <input type="checkbox"/> physician | <input type="checkbox"/> clinical laboratory bioanalyst |
| <input type="checkbox"/> registered nurse | <input checked="" type="checkbox"/> phlebotomist |
| <input type="checkbox"/> licensed vocational nurse | <input type="checkbox"/> certified paramedic |
| <input type="checkbox"/> licensed clinical laboratory technologist | |

On this date I took blood from a person identified to me as _____
WILDE MEYER DANIEL J., the subject.

I cleaned the area to be punctured with the non-alcoholic disinfectant, included in the Contra Costa County Criminalistics Laboratory blood withdrawal kit.

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I discarded the needle, holder, and disinfectant. I mixed the powder in the tubes thoroughly to prevent the blood from clotting.

The tubes of blood were labeled with the full name of the subject, the date and time of withdrawal, and I placed my initials on the label.

I gave the tubes to the officer who accompanied the subject, and I observed the officer seal the top of each tube with a label seal and place his initials on the seal and on the label of each tube.

The sample(s) was/were taken in a medically approved manner.

I declare under penalty of perjury that the foregoing is true and correct.

Contra Costa Sheriff Dept.

Dated: 4/15 at CCC SD California.

[Signature]
(Signature of Declarant)

CCCr. [unclear]
Box # 15-12712
[unclear] 245 [unclear]
[unclear]

(WHITE COPY) DISTRICT ATTORNEY'S COPY - PLEASE SUBMIT TO DA'S OFFICE ALONG WITH FILING PAPERWORK
(YELLOW COPY) POLICE AGENCY'S COPY - PLEASE DETACH AND MAINTAIN FOR YOUR RECORDS
(PINK COPY) COPY FOR PERSON MAKING BLOOD WITHDRAWAL - PLEASE DETACH AND MAINTAIN FOR YOUR RECORDS

15-5825-1



**Forensic Services Division
Contra Costa County Office of the Sheriff
1960 Muir Road, Martinez, CA 94553**



Confidential

REPORT OF LABORATORY EXAMINATION

Laboratory No:	15-5825-1	Agency:	Contra Costa Sheriff
Report Date:	8/04/2015	Agency Case No.:	15-12712
Service:	Toxicology Analysis	Requested by:	David Hall
Request Date:	8/4/2015	Case Type:	Assault
Subject(s):	Wedemeyer, Daniel J.		

Description of Evidence *(Initial package(s) were submitted tape sealed unless otherwise stated)*

Submission #1: Blood Alcohol/Drug envelope containing 2 vial(s).

Test Subject:	Wedemeyer, Daniel J.		
Type of sample:	Blood	Container No.:	77592

Submission #2: Urine Alcohol/Drug envelope: containing 1 container(s).

Test Subject:	Wedemeyer, Daniel J.		
Type of sample:	Urine	Container No.:	11398

Analysis results:**Submission #1: Blood Alcohol/Drug envelope****Screening Results and Conclusions:**Result:

No screening done.

Confirmation Results and Conclusions:ResultCutoff:

No confirmation done.

Submission #2: Urine Alcohol/Drug envelope:**Screening Results and Conclusions:**Result:

Methamphetamine/MDMA

negative

Cocaine/Cocaine Metabolite

negative

Opiates (Codeine, Morphine)

negative

Benzodiazepines

negative**Confirmation Results and Conclusions:**ResultCutoff:

No confirmation done.

MDA is Methylendioxyamphetamine

MDMA is Methylendioxymethamphetamine

Reported By:

Approved By:

Sarina Sigmon, Criminalist

Shana Alycia Meldrum, Forensic Supervisor

Date: August 04, 2015



Report Annex

Client Address:

Contra Costa Sheriff
1980 Muir Road
Martinez, CA
94553

Compliance Statements:

- Initial package(s) were submitted tape sealed unless otherwise indicated.
- Uncertainty information will only be given for quantitative results. The statistical level of confidence is approximately 95% ($k=2$).
- Homogeneity is assumed among multiple vials within an envelope or kits as long as the vials were collected sequentially, from a single event, and into multiple similar containers, and having similar volumes. The reported results pertain to the entire item, not just the tested amount or the vial analyzed.
- Sampling was performed in accordance with the sampling procedure in the Toxicology Technical Unit Manual. The date of sampling is the date of analysis unless otherwise indicated. The location of sampling is the Crime Lab.
- The following will be documented in the case notes: any deviations from the sampling plan or technical procedures; use of containers not provided by the Crime Lab; any approximate blood volumes less than 5 milliliters in the vials provided by the Crime Lab.
- $\mu\text{g/ml}$ is an abbreviation for micrograms per milliliter.
 ng/ml is an abbreviation for nanograms per milliliter.
- Immunoassay screening technique is considered a presumptive test due to the fact that immunoassays are not always specific to a single analyte.
- When the report indicates that further work or additional analysis may be performed, it is the responsibility of the customer to request the work if needed.
- The reported result reflects the concentration at the time of analysis and does not account for changes that may occur before or after analysis. Not all drugs are stable and concentrations may change over time, potentially resulting in values below the reporting limit. Any additional analysis or re-analysis should be requested as soon as possible.
- Samples to be re-analyzed should be stored in a manner that prevents breakdown and preserves the evidence as long as possible--refrigeration is highly suggested.
- If a drug is not reported as positive, it indicates either that it was not detected or, if a drug was detected, it was present at a concentration less than this Laboratory's established reporting limit. All confirmations, if required, are done by Gas Chromatography/Mass Spectrometry.
- The tests performed are generally accepted by consensus of the relevant scientific community. The tests were performed in a scientifically approved manner.

Analytical Tests Used:

- Most screenings are done by Immunoassay. Acid Neutral Drugs and Basic Drugs screenings are both done by gas chromatography/mass spectrometry.
- Confirmations are done by Gas Chromatography/Mass Spectrometry.



Receipt of Evidence

Submission #1: Blood Alcohol/Drug envelope

This evidence submission was received from David Hall by Shana Meldrum on 8/4/2015

Submission #2: Urine Alcohol/Drug envelope:

This evidence submission was received from David Hall by Shana Meldrum on 8/4/2015

[End of Report]

15-5825-2



Forensic Services Division
Contra Costa County Office of the Sheriff
1960 Muir Road, Martinez, Ca. 94553



Confidential

REPORT OF LABORATORY EXAMINATION

Laboratory No:	15-5825-2	Agency:	Contra Costa Sheriff
Report Date:	8/10/2015	Agency Case No.:	15-12712
Service:	Alcohol Analysis	Requested by:	Hall
Request Date:	8/6/2015	Case Type:	Assault
Subject(s):	Wedemeyer, Daniel J.		

Offenses:

245 PC

8/3/2015

Examination Results and Conclusions:

Submission #1: Blood Alcohol/Drug envelope containing two vial(s).

Type of sample: **Blood**Reported Result: **Negative**Date of analysis: **8/6/2015**

I certify, under penalty of perjury, under the laws of the State of California, that the above blood/urine analysis was performed during the regular course of my duties, and is a true and correct copy thereof. I further certify that I am qualified to perform these analyses pursuant to Title 17 of the California Code of Regulations, and that the equipment used in arriving at the results was in proper working order at the time I performed this analysis. The recording of the analysis results was done at the time of the analysis.

Reported By:

Joaquin A. Jimenez, Criminalist
(Forensic Alcohol Supervisor)

Date: August 10, 2015

Executed in Martinez, Contra Costa County, California

Approved By:

Monica Siegrist, Criminalist
(Forensic Alcohol Supervisor)

Forensic Services Division

15-5825-2

Joaquin Jimenez

8/10/2015

Page 2 of 3

CONTRA COSTA COUNTY
OFFICE OF THE SHERIFF
FORENSIC SERVICES DIVISION

Forensic Services Division Case #

15-005825

Blood Alcohol/Drug envelope

Kit No.: 77592

Expiration Date: JUL 31, 2015

BLOOD SAMPLE FOR ALCOHOL/DRUG ANALYSIS

Analyze for: ☒ Alcohol☒ Drugs (Amphetamines, Opiates, Cocaine, Benzodiazepines)☐ Others (Please List) _____☐ Test for drugs if BAC \leq 0.08%☐ Check if this is a referee sample for the subject's breath results: _____1. Police Agency: CCCSO
2015-063
2. Agency Case No.: 15-12712

If CHP, indicate arrest location

City _____ Street _____
☐ Unincorporated

3. Offense(s): PC 245 Incident Date: 8/3/15 Time: 2220

4. Subject's Name: Wademeier Daniel J.
(Last) (First) (Middle)

5. Witnessing Officer/Person: Sgt. D. Hall

6. Investigating Officer: Sgt. D. Hall Badge No.: 61762

7. Person Drawing Blood: Vinh Hong Pham

8. Location of Withdrawal: Oakland P.D.

9. Date Sample Taken: 8/4/15 Time: 0252

CHAIN OF POSSESSION:

Received From:	Received By:	Date:
D. Hall 61762		8-4-15
D. Hall 61762	D. Hall 61762	8-4-15
D. Hall 61762	Shapiro	8/4/15
Sh - m	Muir Legish body	8/4/15

BY USE:

Other

Tubes

Rev 08/10/12



Report Annex

Client Address:**Contra Costa Sheriff**

1980 Muir Road
Martinez, CA
94553

Compliance Statements:

- Initial package(s) were submitted tape sealed unless otherwise indicated.
- Uncertainty of measurement is reported on each of the analytical results of the measurement. The statistical level of confidence is approximately 99.73% ($k=3$).
- Per Title 17, the California Code of Regulations governing forensic alcohol analysis, the reported result is an average of the analytical results of the measurement and is truncated to two digits.
- Per Title 17, urine results are reported as a blood alcohol equivalent using a conversion factor (divisor) of 1.3. The uncertainty of measurement is reported on each of the un-converted analytical results.
- Vitreous results are reported as a blood alcohol equivalent using a conversion factor (divisor) of 1.27. The uncertainty of measurement is reported on each of the un-converted analytical results.
- Cavity fluid results are not converted to a blood alcohol concentration and are reported as alcohol concentration only.
- Homogeneity is assumed among multiple vials within an envelope or kits as long as the vials were collected sequentially, from a single event, and into multiple similar containers, and having similar volumes. The reported results pertain to the entire item, not just the tested amount or the vial analyzed.
- Sampling was performed in accordance with the sampling procedure in the Blood Alcohol Technical Unit Manual. The date of sampling is the date of analysis unless otherwise indicated. The location of sampling is the Crime Lab.
- Any deviations from the sampling plan or technical procedures will be documented in the case notes. Any approximate blood volumes less than 5 milliliters in the vials provided by the Crime Lab will also be documented in the case notes.
- % W/V is an abbreviation for grams of ethanol per 100 milliliters of liquid.
- The linear range of the method is 0.01% W/V to 0.50% W/V.

Analytical Tests Used:

Heated Headspace Gas Chromatography

Receipt of Evidence:

Received from **David Hall** by **Shana Meldrum** on **8/4/2015**

1 Blood Alcohol/Drug envelope

Uncertainty of Measurement:

Submission #1: Blood Alcohol/Drug envelope

Analytical Result: **less than 0.01% W/V**. No assigned uncertainty.

Analytical Result: **less than 0.01% W/V**. No assigned uncertainty.

[End of Report]

CCCSO Firearms Qualification

6 shot 5 shot
E - 228 E - 190
M - 216 M - 180
P - 192 P - 160

	Date of Qualification	Name: LAST, FIRST (Print Legibly)	Employee Number	Make	Model	Serial Number	OWNERSHIP (Check one)		SCORE	Rifle Qual P/F only	Firearm Instructor # Employee #	Weapon Inspected Y or N	Entered in SPARKS by:
							Dept.	Personal					
1.													
2.													
3.													
4.													
5.													
6.													
7.													
8.													
9.													
10.													
11.													
12.	10/25/14	WEDFMEYER, DANIEL	52040	Gaucha	27	FW5015		X	220			Y	cert
13.													
14.													
15.													
16.													
17.													
18.													
19.													
20.													

OFFICE OF THE SHERIFF

Contra Costa County

Internal Affairs

651 Pine Street, 11th Floor

Martinez, California 94553

(925) 335-1531



DAVID O. LIVINGSTON
Sheriff-Coroner

Michael V. Casten
Undersheriff

Date: June 2, 2016
To: Sergeant Daniel Wedemeyer #52040
From: Sergeant David Hall, Internal Affairs
Subject: Internal Affairs Case # 2016-025

The attached investigative report is a copy of information that will be placed in your personnel file.

Pursuant to 3305 of the Government Code you are requested to sign below, indicating that you are aware of the contents of the attached papers.

3305 Comments adverse to interest; entry in personnel file or in other Record; opportunity to read and sign instrument; refusal to sign.

No public safety officer shall have any comment adverse to his interest entered in his personnel file, or any other file used for any personnel purposes by his employer, without the public safety officer having first read and signed the instrument containing the adverse comment indicated he is aware of such comment, except that such entry may be made if after reading such instrument the public safety officer refuses to sign it. Should a public safety officer refuse to sign, the fact shall be noted on that document, and signed or initialed by such officer.

(Added by Stats. 1976, c. 465, p. 1204, S 1.)

Date: 6/2/16

Name: [Signature]

3306 Response to adverse comment entered in personnel file; time.

A public safety officer shall have 30-days within which to file a written response to any adverse comment entered in his personnel file. Such written response shall be attached to and shall accompany the adverse comment.

(Added by Stats. 1976, c. 465, p. 1204, S 1.)

Date: 6/2/16

Name: [Signature]

I.A. documents are considered confidential and any failure by the employee to maintain the confidentiality of the documents could result in disciplinary action as a violation of Department Manual Section 1.05.57, Unbecoming Conduct, and /or Section 1.06.74, Control of Department Information.

**RETURN THIS SIGNED FORM ONLY TO INTERNAL AFFAIRS
KEEP THE COPY OF CASE FOR YOUR RECORDS**

HONOR

COURAGE

COMMITMENT

LEADERSHIP

TEAMWORK